

2014 Stewardship Legislation Update for Seattle SWAC

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Local Hazardous Waste Management Program in King County

April 2, 2014

Today's Update

- Legislation passed to amend Mercury-containing Lights Stewardship Law / Q&A
- Paint Stewardship Legislation / Q&A
- Summary of WA laws and legislation for product stewardship
- LHWMP's Position Statement on Product Stewardship
- Discussion on next steps

MERCURY LAMPS STEWARDSHIP



Perhaps 7% of mercury lamps from households are properly recycled through piece-meal programs operated by local governments, utilities, and some retailers.

More than 12 million mercury lamps sold to WA residents annually.



Mercury-containing Lights Stewardship Law (70.275 RCW)

Overview of Developments

2010 - Law passed requiring producers of mercury lamps sold in WA to fund a statewide program for collection and recycling of mercury lamps from households and small quantity generators.

2012 Session – National Electrical Manufacturers Association (NEMA) proposed SB 6538 to authorize an “environmental handling charge” and provide anti-trust protection. Bill did not pass.

Dec. 2012 – Ecology finalizes rule and approves contracted product stewardship plan. Lawsuit filed by NEMA disputing Ecology’s rule requiring full financing from producers.

2013 Session – NEMA backed two different bills (HB 1444, SB 5658) to amend the law’s financing mechanism and change other provisions. Neither bill passed.

May 2013 - Thurston Superior Court ruled in favor of NEMA lawsuit & invalidated the financing sections of Ecology’s rule. Ecology appealed to state appellate court.

Program implementation postponed until adequate financing is secured through a court decision or a legislative amendment.

2014 Session – ESHB 2246 (Rep. Hunt) passed and signed by Governor.

Authorizes producers to finance the stewardship program through an environmental handling charge added to the price of mercury lights sold at retail. (see summary handout)

Negotiated agreement between stakeholders - including the National Electrical Manufacturers Association, the Department of Ecology, local governments, and environmental organizations – that resolves the lighting industry’s lawsuit against the state.

Implementing the Mercury-containing Lights Stewardship Law

June 1, 2014 - Stewardship plan(s) due to WA Ecology.

Jan. 1, 2015 - Product stewardship program(s) start.

For household generators and other persons who purchase mercury lights at retail.

Lights accepted = all types of mercury-containing bulbs, tubes, HIDs.

Number of lamps that can be returned per person per day:

- ✓ 10 lamps at drop-off locations
- ✓ 15 lamps to curbside or mail-back programs.

Collection System:

- “no cost services in all cities...with populations greater than ten thousand and all counties...on an ongoing, year-round basis”.
- Expect primarily drop-off sites, perhaps take-back events, and the stewardship program may integrate with curbside or mail-back programs (but does not have to pay collection costs for such “premium” services).
- Drop-off sites at: HHW facilities, charities, retailers, government recycling sites, or other suitable private locations.

Law defines standards for how collectors must handle and package mercury-containing lamps to prevent release of mercury or mercury vapor.

PAINT STEWARDSHIP



- The Local Hazardous Waste Management Program (LHWMP) have analyzed the problem of paint recycling and disposal and support a product stewardship approach over ratepayer financing
- LHWMP signed on MOU with the paint industry in 2008, along with 14 local governments and the DOE to work towards a product stewardship system
- Latex paint is not accepted at any HHW/MRW facility in King County.
- A pilot paint stewardship program begin operating in Oregon in 2009

PAINT STEWARDSHIP



- 38% of unwanted paint in WA was collected in 2010.
- Latex paint collection has declined by 44% since 2007.
- About 44% of latex paint that was collected was recycled or reused.
- Currently residents are asked to dry out their paint and throw it away, which is inconvenient and time consuming

From NWPSC Paint Report, Jan. 2013.

Paint Stewardship Bill in 2013/2014 Legislature

2013 - SB 5424 (Chase) and HB 1579 (Goodman) Introduced

- SB 5424 passed by Senate Energy, Environment and Telecommunications Committee, but did not pass out of Ways & Means.
- HB 1579 did not receive a hearing.

2014 – focus on moving bill in House.

- SHB 1579 passed out of House Environment Committee and House Appropriations Subcommittee on General Government and Information Technology.
Did not move out of House Rules before “cross-over” cutoff.
- Stakeholder discussions produced SHB 1579 Floor Striker language.

Paint Stewardship Legislation

SHB 1579 Floor Striker

- Consumers can take unwanted leftover paint to one of many collection sites (an estimated 200 sites) for recycling; no charge at point of collection.
- Interior and exterior paint, sold in containers of five gallons or less will be accepted.
- At least 90% of Washington residents must have a permanent collection site within a 15 mile radius and one additional collection site for every 30,000 residents.
- The program must utilize existing public and private waste collection facilities & paint retail stores as collection sites where cost effective and mutually agreeable.
- Curbside may also be utilized.

Paint Stewardship Legislation

- Paint Stewardship legislation has passed in:
 - Oregon
 - California
 - Connecticut
 - Rhode Island
 - Maine
 - Minnesota
 - Vermont
- Paint Stewardship Programs are operational in:
 - Oregon
 - California
 - Connecticut

Local Government Supporters

- Association of WA Cities
- Benton-Franklin Health Department
- Chelan County
- City of Seattle
- City of Spokane Solid Waste Department
- City of Walla Walla
- Douglas County
- Grays Harbor County
- Kittitas County
- Kitsap County
- Klickitat County
- Lewis County
- Lincoln County
- Local Hazardous Waste Management Program in King County (LWHMP)
- Thurston County
- Whitman County
- Snohomish County Solid Waste Division

Paint Stewardship



Next Steps

Discussion

LHWMP's Position Statement on Product Stewardship for Toxic and Hazardous Products



Local Hazardous Waste Management Program in King County

Position Statement on Product Stewardship for Toxic and Hazardous Products

September 12, 2013

The Local Hazardous Waste Management Program in King County (LHWMP) focuses on reducing public and environmental exposure to hazardous materials, including promoting stewardship of toxic and hazardous products by their manufacturers. This position statement is a working document that will continue to evolve as LHWMP explores product stewardship policies and collaborates with stakeholders.

Product Stewardship is an environmental management strategy that means whoever designs, produces, sells, or uses a product takes responsibility for minimizing the product's health and environmental impacts. Stewardship continues through all stages of the products' life cycle, including end-of-life management. The producer of the product has the greatest responsibility and ability to minimize adverse impacts. However, other stakeholders, such as suppliers, retailers, and consumers, also share responsibility.

Taxpayers and ratepayers currently pay for the disposal and recycling of most products. Product stewardship policies shift responsibility from ratepayer-financed government programs to private sector systems that are financed, and in some cases provided, by product producers.

Effective product stewardship approaches will increase recycling and proper disposal of toxic and hazardous products to better protect the health of people, and the quality of our water and broader environment in the Puget Sound region.

Product stewardship programs can utilize and build on our existing waste recycling and management infrastructure to increase collection and recycling opportunities, and create new business opportunities for service providers.

Product stewardship policies can significantly improve management of hazardous and solid wastes in King County, and throughout Washington State, by:

- Increasing proper management of toxic materials to keep them out of garbage and landfills to reduce human exposure and environmental pollution;
- Increasing recycling and the quantities of recyclable materials that can be used in new products;
- Providing more convenient and equitably distributed collection services to benefit all users of the waste management system;
- Lowering waste management costs for local governments, which benefits taxpayers and ratepayers, by developing a more fair and equitable financing mechanism that internalizes the costs of recycling or disposal of the product in the area paid by consumers.

Product stewardship programs can also increase convenience and effectiveness, including:

- Encouraging manufacturers to the end-of-life management of their products to provide incentives for reducing waste, reducing toxicity, and
- Encouraging manufacturers to improve waste management and recycling industries.

Product Stewardship Laws & Legislation in WA

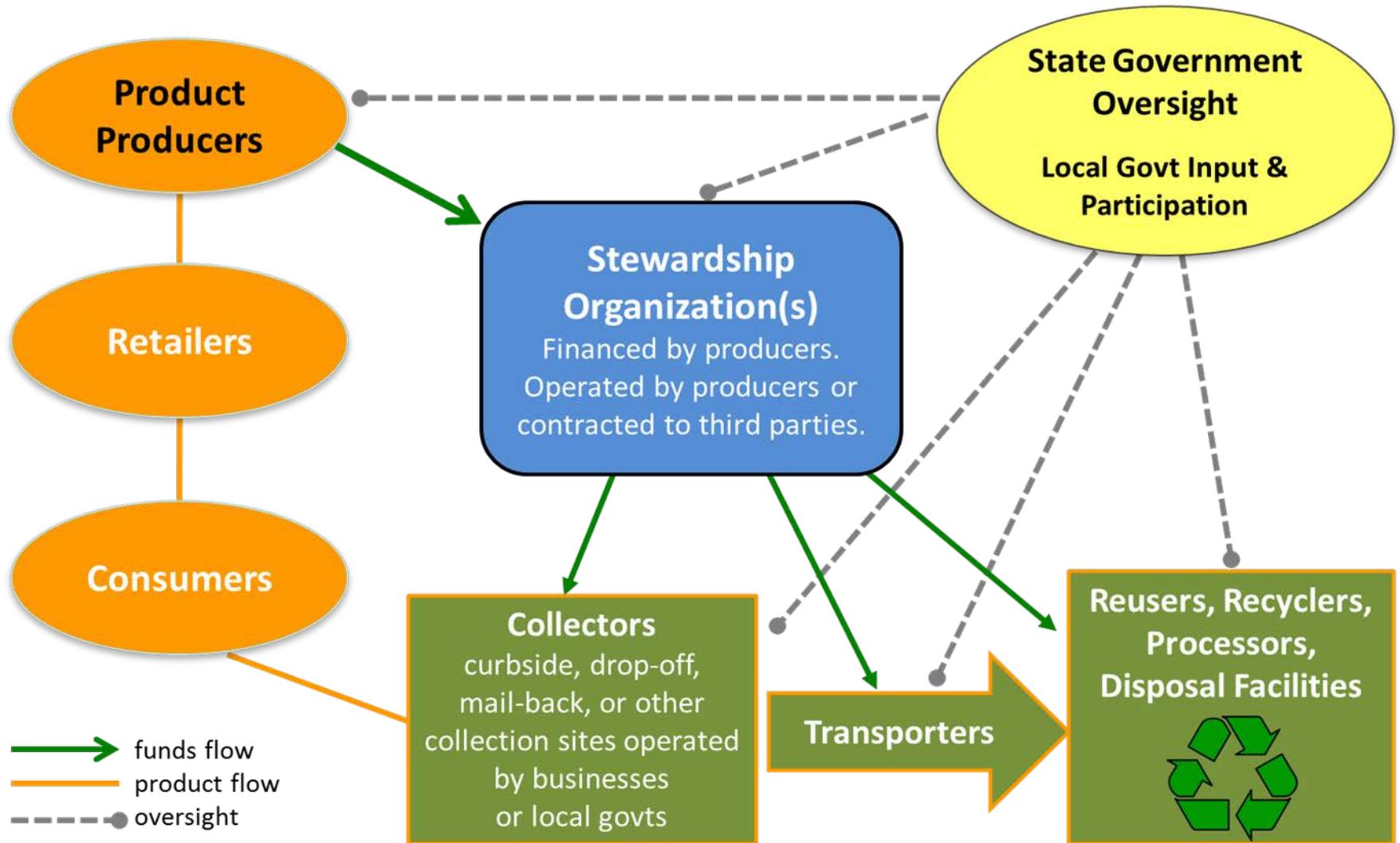
- **Electronic Products Recycling Law (Computers & TVs)**
 - Law passed 2006; program started 2009. 5 year anniversary!
 - Law amended by two 2013 bills to (1) divide costs between producers based on market share & (2) require additional info in reports.
- **Mercury-containing Lights Stewardship Law**
 - Law passed 2010; 2013 program start delayed; industry lawsuit.
 - Legislative amendment passed in 2014. New program start=Jan. 1, 2015.
- **Product Stewardship Legislation, proposed but not passed:**
 - Pharmaceuticals (2008 - 2012) (King County law passed in 2013)
 - Medical Sharps (2011)
 - Carpet (2012)
 - Paint (2012 - 2014)
 - Rechargeable Batteries (2012 & 2013)

How To Get Involved with Product Stewardship?

- Briefings for your municipal leaders
 - Letters, resolutions, sign-in's at hearings
 - Contacts to legislators
 - Connecting with WSAC and AWC staff
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- Participate in the NW Product Stewardship Council as an Associate or Community member
www.productstewardship.net



Product Stewardship System Stakeholders



Key Policy Principles for Effective Product Stewardship Legislation

- Producers play primary role in end-of-life responsibility for their products. Costs are shifted from local governments & ratepayers to producers & consumers.
- Level playing field and clearly defined responsibilities for product producers and other stakeholders
- Performance metrics and goals to ensure an effective program, requiring specific results and/or requiring clear standards for convenient service and effective program promotion.
- Standards to protect the environment & human health while increasing recycling or proper disposal of toxic or hard-to-handle products.
- Transparency, accountability, reporting from stewardship organizations & producers
- Mechanisms for evaluation & comment by the public and other stakeholders
- Oversight & enforcement (Government's role)

E-Cycle Washington Turns 5



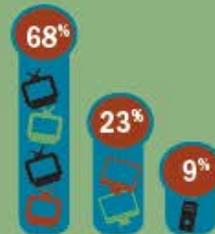
E-Cycle Washington is a collaboration of electronics manufacturers, collectors, recyclers, retailers, local and state governments and non-profit groups that work together to provide environmentally safe and convenient recycling for TVs, computers, and monitors across the state of Washington - at no cost to consumers. Since launching in January 2009, the E-Cycle Washington program has kept more than 200 million pounds of electronics out of underdeveloped nations and landfills. Pretty impressive for a five-year old.

200,000,000 lbs

of electronics (computers, TVs, monitors) recycled



Only **2%** sent to landfill - the rest recycled or reused



68% of collections have been TVs, 23% monitors and 9% computers



Approximately **29%** of computers are reused through refurbishment or resale



of lead and reduced pollution



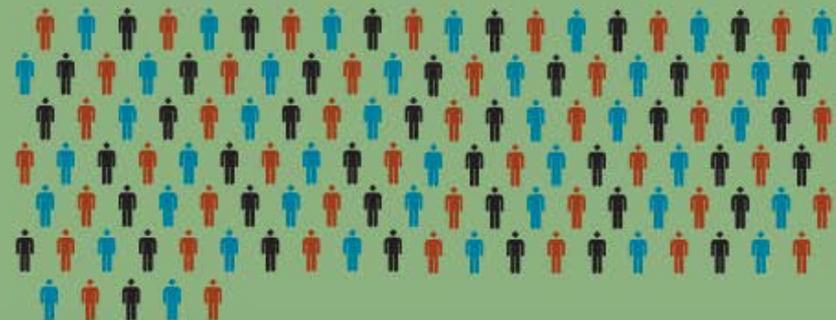
90% of residents have a recycling location within 10 miles of their home



E-Cycle Washington has expanded since 2009 and now includes tablet computers, e-readers and portable DVD players



Created over **125 jobs** for independent collection, transportation and processing enterprises across the state



Manufacturers have provided **\$47 million dollars in electronics recycling services** at no cost to local governments or consumers (from January 2009 - July 2013)



No toxic materials exported to developing nations

